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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,143	11/21/2001	Itaru Saida	P21725.dc1	9442

7055 7590 04/06/2004

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RESTON, VA 20191

EXAMINER

PHILOGENE, PEDRO

ART UNIT	PAPER NUMBER
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3732

12

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/989,143

Applicant(s)

SAIDA ET AL.

Examiner

P dro Philogene

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-12, 14, 15, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 13, 16-18 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. (5,975,090) in view of Aso Yuji (JP11191478).

With respect to claims 10, 14, Taylor et al. disclose an ion generator (160) which comprises needle electrodes, a ground electrode co-operable with the needle electrode (220,230,240,) to generate a corona discharge, as best seen in FIGS. 4J, 4K; in the air to produce ions, an outer body (145) disposed at or in a vicinity of an ion blow-off port (150), and the outer body being made of an antistatic material.

It is noted that Taylor et al did not teach of a resistance element through which the ground electrode is connected with the outer body; as claimed by applicant. However, in a similar art, Aso Yuji evidences the use of a resistor and an outer body made of an antistatic material to provide a device capable of stably supplying ions, not affecting the human body even if the blow-off port is touched.

Therefore, given the teaching of Aso Yuji, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the resistor and the antistatic material in the device of Taylor et al., as taught by Aso Yuji to provide a device capable of stably supplying ions, not affecting the human body even if the blow-off port is touched.

With respect to claims 11-12, the above combination of references teaches all the limitations; Aso Yuji teaches of a resistance element made of a semiconductor (Abstract) and Taylor et al teach of an outer body being a brush, and as best seen in FIGS.2A,-2B.

Claims 15 19,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. (5,975,090) in view of Aoki Kazuhisa (JP6154027).

With respect to claim 15, it is noted that Taylor et al discloses all the limitations, except for a bristles around the opening in the brush base are removed to provide a plan surface area where no bristle exists; as claimed by applicant. However, in a similar art, Aoki Kazuhisa evidences the use of a brush with bristles removed from around the opening of the brush base providing a plain surface area where no bristle exists so that the brush is softer to the hair and also has a repair effect to damage hair.

Therefore, given the teaching Aoki Kazuhisa, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the brush of Taylor et al., as taught by Aoki Kazuhisa, to provide a brush that is softer to the hair and also has a repair effect to damage hair.

With respect to claims 19,20, Taylor discloses a brush base made of antistatic material, as set forth in column, line 24, column 10, lines 47-52; an indicator, as set forth column 4, line 1; as to the location of the indicator, it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

***Allowable Subject Matter***

Claims 13, 16-18,21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Amendment***

Applicant's arguments, see pages 2-6 of the remark, filed 2/5/04, with respect to the rejection(s) of claim(s) 10-21 under 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Aso Yuji and also Aoki Kazuhisa.

***Conclusion***

A shortened statutory period for reply to this action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro Philogene whose telephone number is (703) 308-2252. The examiner can normally be reached on Monday to Friday 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P Shaver can be reached on (703) 308-2582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pedro Philogene  
April 01, 2004

  
PEDRO PHILOGENE  
PRIMARY EXAMINER